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Emergency Power Production and Consumer Protection Act of 2001 (Introduced in the House)

HR 1664 IH

107th CONGRESS

1st Session

H. R. 1664

To authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted.

IN THE HOUSE OF REPRESENTATIVES

May 1, 2001

Mr. OSE introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Emergency Power Production and Consumer Protection Act of

2001'.

SEC. 2. AUTHORITY TO WAIVE RESTRICTIONS ON OPERATION OF CERTAIN FEDERAL HYDROPOWER FACILITIES.

(a) **IN GENERAL-** The Secretary of the Interior or the Secretary of the Army may in accordance with this section waive the application of any restriction under any Federal law, rule, order, or plan (including any court order issued before the date of the enactment of this Act pursuant to any Federal law) on the operation of any covered facility administered by that Secretary, as determined by the Secretary to be necessary to address an emergency electric power shortage in a State to which power from that facility can be transmitted.

(b) **DECLARATION AND REQUEST BY GOVERNOR REQUIRED-** The relevant Secretary may issue a waiver under this section only if the Governor of the State declares that there exists in the State an emergency electric power shortage and submits a request for the waiver to the Secretary.

(c) **BALANCING OF INTERESTS-** In issuing a waiver under this section, the relevant Secretary shall seek to balance competing interests in water and electric power supplied by the covered facility to which the waiver applies.

(d) **EFFECTIVE PERIOD-** The relevant Secretary shall specify the effective period of each waiver under this section, which shall end not later than December 31, 2001.

(e) **PROCEDURE-** The procedures specified in this section are the exclusive procedures that apply to the issuance of a waiver under this section.

(f) **NO JUDICIAL REVIEW-** A waiver under this section is not subject to judicial review.

(g) **COVERED FACILITY DEFINED-** In this section the term 'covered facility' means any dam, powerplant, or other facility--

(1) of the Bureau of Reclamation that is located in the Pacific Northwest Region, Mid Pacific Region, or Lower Colorado Region of the Bureau; or

(2) of the Corps of Engineers that is located in the Northwestern Division or South Pacific Division of the Corps.

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